

REMARKS

Claims 1-22, as amended, remain herein.

The foregoing amendments to the claims place this application fully in condition for allowance, and certainly in better condition for any appeal. Accordingly, entry of this amendment and allowance of all claims are respectfully solicited.

Independent claim 1 was rejected under 35 U.S.C. § 102(b) over Lebeau U.S. Patent 5,870,626. As discussed in Applicants' prior response, Lebeau '626 does not disclose a resident driver program that (1) initializes communication with the higher level equipment by using a higher level protocol between the adapter and the higher level equipment, and then (2) requests download of a conversion program from the higher level equipment for converting between a higher level protocol and a lower level protocol, as recited in Applicants' claim 1.

With respect to "initialize communications," the Office Action cites Lebeau, column 3, lines 30-37, for the alleged teaching that "communications between channels" is something that will be made possible by "appropriate software" in Lebeau. Such disclosure only teaches that the various Lebeau computers and "appropriate software" communicate, but does not teach or suggest that the "appropriate software" initializes communications as recited in Applicants' claim 1. Any "other apparatus or computers" of Lebeau that initialize the recited communications do not meet the claim language.

With respect to "request download," the Office Action states that such a limitation is not present in the pending claims. Applicants have amended claim 1 to more clearly recite that the resident driver program downloads the conversion program from the higher level equipment into the first memory.¹ In contrast, the Lebeau interface 20 (which the Office Action equates with the recited adapter) already includes conversion protocols. Nothing in

¹ Applicants note that "subsequently" in this claimed context sets order, but not proximity of events. The invention of claim 1 neither excludes nor requires the presence of intervening events.

Lebeau teaches or suggests that any component of the Lebeau interface 20 requests download of a conversion program from the Lebeau computer 18 (which the Office Action equates with the recited higher equipment).

Nor does Lebeau teach the sequence of initializing communication with the higher level equipment before requesting download of the conversion program from the higher level equipment. Such a sequence is necessary when the adapter must obtain the conversion program from outside equipment, in this case the higher level equipment. Since the conversion program is already resident in the Lebeau adapter, there is no need or motivation to modify it to first initialize communications with the higher level equipment. Lebeau therefore fails to teach or suggest this element of Applicants' claim 1.

Accordingly, Applicants' claim 1 is patentably distinct over Lebeau. Withdrawal of the rejection of claim 1 and allowance of the same are therefore respectfully requested.

Claims 6 and 7, which depend from claim 1 (either directly or through intervening claims), were also rejected under 35 U.S.C. § 102(b) over Lebeau. In view of the amendments to claim 1 and the remarks advanced in favor of the same, these dependent claims are likewise patentably distinct over Lebeau. Withdrawal of the rejection of claims 6 and 7 and allowance of the same are therefore respectfully requested.

Claims 2-5 and 8-18, which depend from claim 1 (either directly or through intervening claims), were rejected under 35 U.S.C. § 103(a) over Lebeau. In view of the amendments to claim 1 and the remarks advanced in favor of the same, these dependent claims are likewise patentably distinct over Lebeau. Withdrawal of the rejection of claims 2-5 and 8-18 and allowance of the same are therefore respectfully requested.

Claim 19 was rejected under 35 U.S.C. § 102(b) over Lebeau. Similar to claim 1, Applicants' claim 19 recites a resident driver program that initializes communication with the higher level equipment and then requests download of a conversion program from the higher

level equipment. For the reasons discussed with respect to claim 1, these elements are neither taught nor suggested by Lebeau. Claim 19 is therefore patentably distinct over Lebeau. Withdrawal of the rejection of claim 19 and allowance of the same are therefore respectfully requested.

Claims 20-22, which depend from claim 19 (either directly or through intervening claims), were rejected under 35 U.S.C. § 103(a) over Lebeau. In view of the amendments to claim 1 and the remarks advanced in favor of the same, these dependent claims are likewise patentably distinct over Lebeau. Withdrawal of the rejection of claims 20-22 and allowance of the same are therefore respectfully requested.

Accordingly, the application is now in condition for allowance and a notice to that effect is respectfully requested.

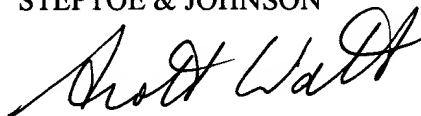
Any amendments to the claims not specifically argued to overcome a rejection based upon the prior art have been made for clarity, a purpose unrelated to patentability.

If a telephone conference would be of value, the Examiner is requested to call Applicants' undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge/credit any fee deficiencies or overpayments to Deposit Account No. 19-4293 (Order No. 28954.2010).

Respectfully submitted,

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